

AFFIDAVIT OF JONATHAN HENDRIX
U.S. Immigration and Customs Enforcement

I, Jonathan Hendrix, being first duly sworn on oath, state as follows:

1. I am a Special Agent (SA) of the U.S. Immigration and Customs Enforcement (ICE) assigned to the Office of the Resident Agent in Charge, Nashville, Tennessee (RAC NV). The U.S. Immigration and Customs Enforcement is responsible for enforcing federal criminal statutes involving the sexual exploitation of children under Title 18, United States Code, Section 2251, et seq. I have been employed as a Special Agent of the U.S. Immigration and Customs Enforcement since 2002. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the United States Customs Service Basic Enforcement School, where I received training in the investigation of child pornography. During the course of my duties I have been the investigating officer and affiant of applications for search warrants relating to federal child pornography investigations.
2. This affidavit is submitted in support of a Criminal Complaint for the arrest of **DANIEL QUAIL** for the following offense: on or about December 15, 2009, in the Middle District of Tennessee and elsewhere, **DANIEL QUAIL** did knowingly distribute and attempt to distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that has been shipped or transported using any means or facility of interstate or foreign commerce, in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b).
3. The following information contained in this affidavit is based on my training and experience, my personal participation in this investigation and information provided to me by other law enforcement officials. Unless otherwise indicated, where I have referred to written or oral statements, I have summarized them in substance and in part, rather than verbatim. Not all of the facts of the investigation known to me are contained herein, only those necessary to establish probable cause for the arrest of **DANIEL QUAIL**.
4. On Wednesday, November 18, 2009, a detective with the Toronto Police Service (TPS), using a peer-to-peer program, downloaded numerous child pornography files from a particular user. The detective was able to trace the IP address of this user to a particular address in Canada.
5. On Tuesday, December 8th, 2009, members of the local law enforcement in Canada arrested the individual associated with the above mentioned peer-to-peer program, hereinafter Doe, and charged him with "Possession Child Pornography" and "Make Available Child Pornography." Investigators were able to recover the password to Doe's peer-to-peer program.
6. On Friday, December 11, 2009, the detective entered Doe's peer-to-peer account and

changed the password in order to ensure that the detective was the only one who would have access to the account. Upon entering the account, the detective observed that Doe's "contact list" contained over a hundred users. The detective observed that one of these contacts was connected to the peer-to-peer network. Hereinafter, this individual is referenced as the "Suspect." The Canadian detective was able to capture approximately 26 thumbnail images of some of the images contained within Suspect's shared folder. All of the images were of young males who appear to be under the age of 12 engaged in sexually explicit conduct.

7. On Tuesday, December 15, 2009, the detective was signed into Doe's account again and observed that Suspect was also connected. The detective browsed Suspect's shared directories which included as follows:

- a. Other
- b. New Folder & Vids
- c. My Pictures
- d. My son Devin
- e. Movies

The "Other" directory contained numerous documents, some of which were titled in such a way as to suggest they contained stories about child abuse.

The "New Folder & Vids" directory contained numerous video files, many of which were titled in such a way as to suggest that they contained child pornography.

The "My Pictures" directory contained numerous child pornography images.

The "My son Devin" directory was password protected, and thus the detective was unable to gain entry into it.

The "Movies" directory contained video files titled in such a way as to suggest that they contained Hollywood movies.

8. While connected with Suspect on December 15, 2009, the detective was able to download 25 files as follows:

- a. Twenty (20) images of young males who appear to be under the age of 12 engaged in sexually explicit conduct;
- b. Three (3) images that appear to be document files, including two text files; and
- c. Two corrupt files.

The two text files appear to contain passwords for directories belonging to other users of the peer-to-peer program.

9. Using investigatory tools, the detective was able to identify Suspect's IP address, which was

JH

registered to Comcast Cable in Gallatin, Tennessee.

10. On Sunday, December 21, 2009, Suspect was online again. The detective, who was logged into Doe's account, had the following chat with Suspect, asking about getting the password to Suspect's directory "My son Devin":

Doe: u get my msg about your pw?
Suspect: yes
Suspect: don't share, ok?
Suspect: don't save pics in a file you share either please
Doe: i wont
Doe: u know me...u have my word
Suspect: hey how come all your stuff has similar names?
Suspect: and what happened to your old stuff?
Suspect: like pics, and a a vid I was in the middle of downloading
Doe: my stupid lacie to a dive
*Doe: took**
Doe: dont ever buy a lacie
Suspect: ok
Suspect: well can I download something from you first? just to make sure it's still you?
Doe: so i am havin issue...and i dl a bunch from some guys and i still have to sort them properly...workin on getting collection off external...but have to be careful who looks at it if u know what i mean
Doe: yeah man...np
Doe: i think im bogged down down right now...million ppl dl
Doe: but go ahead...no worries
Doe: do u like the new giga
Doe: ive gone back to the old one...was havin issues with uploading
Suspect: yeah, i don't like it
Doe: i hate it when they think they need to improve something that is just fine
Doe: do u mind if i have your pw...i promise i wont dl something until you get something...just want to get off...it cool if you don't want to
Suspect: yeah...i'm not sure cuz you had so much stuff and now its hard to tell what you have cause everything has pretty much the same name.
Doe: ok np...i will msg u when i am back up and running full on
Suspect: k
Doe: i totally get it

11. The Canadian detective stated that Suspect willingly shared his child pornography images but was hesitant to share the contents of the folder "My son Devin." Thus, based on the name of the folder and the content of most of the other shared folders, the detective was

concerned that Suspect might have access to a male under the age of 18, and that there are images and/or video of this minor male in that folder. Suspect also had advised the detective not to share the images from that folder with anyone, although the detective never was able to gain access to the folder.

12. I was contacted on December 22, 2009 and provided with all of the above investigative information.
13. A records check revealed that the subscriber associated with the IP address above was **DANIEL QUAIL**, 1089 Sam Houston Circle, Gallatin, Tennessee 37066. I also determined that the account for 1089 Sam Houston Circle, Gallatin, Tennessee with Cumberland Electric Membership Corporation of Sumner County, Tennessee was registered to **DANIEL QUAIL**, with a service connection date of November 3, 2009. The Cumberland Electric Membership Corporation records indicate that **QUAIL** listed himself as single.
14. Records from the Tennessee Department of Labor revealed that **QUAIL** works for the Middle Tennessee YMCA. Further investigation revealed that he is the site manager for the after school programs in approximately ten schools in Sumner County. His application to his current job indicates that he previously worked with five to eight year old children teaching character development.
15. I was able to obtain a photograph for **DANIEL QUAIL** from the driver's license information with the Tennessee Highway Patrol for Tennessee.
16. I also discovered a Facebook.com for **DANIEL QUAIL**. The photograph depicted on this account depicts the same person in the photograph provided by the Tennessee Highway Patrol Driver's License Division. Information contained on the **QUAIL** Facebook account includes as follows:

Education and Work:

High School: Charlotte High School '94

Employer: IT'S FUN TO STAY AT THE!!!

Position: King, Ruler and Emperor

Time Period: January 2009-Present

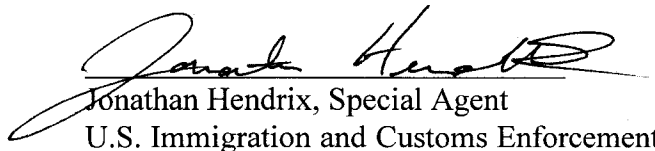
Location: Nashville, TN

Description: I work at the "you know what" of Middle TN. We have the second largest school age childcare programs service of any "you know what" In the country. I oversee before/after school programs.


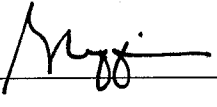
Personal Message: I am fervently desiring to know God...persuing Him is my main focus at this point. Everything else...well, there is really is nothing else. If there was, getting married and doing lots of smooching and child raising (haha-didn't' say making) too.

QUAIL's "status" on Facebook states that he is single.

17. On December 23, 2009, a surveillance on 1089 Sam Houston Circle in Gallatin, Tennessee revealed a dark blue Saturn sedan at 1089 Sam Houston Circle bearing Tennessee license plate 255-VDK. A records check reveals this vehicle is registered to **Daniel QUAIL** at 1115 Stubblefield Rd., Hartsville, TN 37074, an address where he lived prior to his move in November of this year.
18. **QUAIL** lived at 1115 Stubblefield Rd., Hartsville, TN 37074 for less than a year. Prior to living in Hartsville, **QUAIL** lived in numerous places in Florida.
19. During our surveillance of 1089 Sam Houston Circle in Gallatin, Tennessee since Wednesday December 23, 2009, we have not seen anyone enter or leave the apartment, although we have seen the above described vehicle there on several occasions and absent on other occasions.
20. On December 29, 2009, a special agent with U.S. Immigration and Customs Enforcement approached the duplex that includes the residence of 1089 Sam Houston Circle in Gallatin, Tennessee. The agent spoke with the neighbors who live in the other side of the duplex who stated that **QUAIL** lived alone and had recently moved in. When the agent knocked on the door, he observed an individual who was the same person in the photograph provided by the Tennessee Highway Patrol Driver's License Division.
21. Throughout our investigation, we have had no indication that anyone else is living at the address of 1089 Sam Houston Circle in Gallatin, Tennessee.


Jonathan Hendrix, Special Agent
U.S. Immigration and Customs Enforcement

Subscribed and Sworn to
before me this 29th day of December, 2009.



Juliet Griffin
United States Magistrate Judge
Middle District of Tennessee